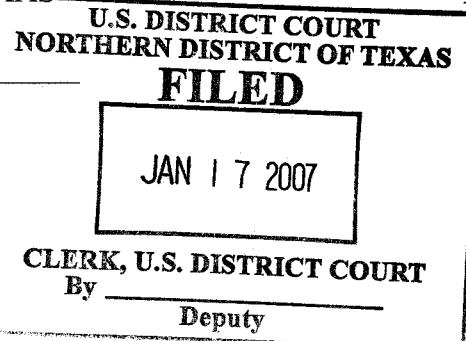


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



CHRISTOPHER JOVEL GARCIA, PRO SE, §
TDCJ-CID #1063282 §
Previous TDCJ-CID #640783 §
Previous TDCJ-CID #966718 §
§
§ Plaintiff, §
§ §

v. § 2:05-CV-0022
§

NFN SAVERS, Warden, §
MARI ROBINSON, §
DAVID KIBBY BASSE, §
NFN DEGENHART, §
NFN HELMS, and OFFICER FREEMAN, §
§
§ Defendants. §

ORDER OF DISMISSAL

Plaintiff CHRISTOPHER JOVEL GARCIA, while incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On December 18, 2006, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending dismissal with prejudice as frivolous and for failure to state a claim on which relief can be granted.

The period for response has expired; and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that this Civil Rights Complaint is DISMISSED WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE *HECK* CONDITIONS ARE MET, *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996), WITH PREJUDICE AS FRIVOLOUS AND FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 17 day of January, 2007.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE